

**UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF WASHINGTON AT SEATTLE**

In re:

TIMOTHY DONALD EYMAN,

Debtor.

NO. 18-14536-MLB

STATE OF WASHINGTON'S  
CLARIFICATION AS TO TDR AND  
CLAIM NON-DISCHARGEABILITY

The State of Washington (State) files this clarification since the Chapter 7 Trustee's Final Report submitted on US Trustee's form 101-7-TDR does not include what this court previously ordered and what everyone agreed to with regard to the State's claim. This is due to the limitations of the form based on the State's understanding from the Chapter 7 Trustee. Additionally, the amounts in the form appear to be inaccurate.

The State submits this pleading to confirm and clarify that the State's claim filed in this bankruptcy and the underlying judgments and orders supporting this claim were determined to be non-dischargeable by prior bankruptcy court order and by agreement of the parties entered in this bankruptcy and the related adversary action under Cause No. 21-01041. This includes the judgment entered on April 16, 2021 in Thurston County Superior Court in *State of Washington v. Tim Eyman, et al.* (Thurston County Superior Court case no. 17-2-01546-34).

STATE OF WASHINGTON'S  
CLARIFICATION AS TO CLAIM  
NON-DISCHARGEABILITY

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OFFICE OF THE ATTORNEY GENERAL  
Bankruptcy & Collections Unit  
800 Fifth Avenue, Suite 2000  
Seattle, Washington 98104-3188  
Phone: (206) 389-2187 – Fax (206) 587-5150

1 Throughout this bankruptcy, the documents submitted and the related adversary action  
2 established that the State's claim and the underlying judgments and orders supporting the claim  
3 are non-dischargeable. First, the claim language confirmed the claim and the supporting  
4 documents were non-dischargeable. See Claim 2-1, part 2, pgs. 2 and 4, Claim 2-2, part 2, pg. 2  
5 and Claim 2-3, main document pg. 2. There was no objection to the State's claim. Second, the  
6 following documents contain language confirming the non-dischargeability of the States' claim:  
7 (1) The confirmed Chapter 11 plan Dkt. # 270 at pg. 4 approved at Dkt. # 274; (2) the Agreed  
8 Order for Final Decree, Dkt. # 297; and (3) the Settlement Agreement approved by all parties in  
9 adversary action 21-01041 and in the bankruptcy Dkt. # 475-1, pg. 1. Thus, every party to this  
10 bankruptcy and related adversary action has previously agreed that the State's claim and the  
11 underlying judgments and orders supporting the claim are non-dischargeable.

12 The Trustee's Final Report Dkt #535 mistakenly lists the state's claim under "claims  
13 discharged without payment." Additionally, of some concern to the State is that the total dollar  
14 amount of the claims (which are actually non-dischargeable) appears to be inaccurate. (For  
15 example, part of the State's claim seems to have been counted twice.)

16 The State has contacted the Chapter 7 Trustee, who stated that the standardized US  
17 Trustee form 101-7-TDR is not an order or a decision on dischargeability and that the contents  
18 of the form is automatically generated after inputting the information. (US Trustee's form 101-  
19 7-TDR was created pursuant to the direction of 28 USC § 589b(a) (1), which states that the  
20 Attorney General shall "issue rules requiring uniform forms for...(1) final reports by trustees in  
21 cases under subchapter V of chapter 11 and chapters 7, 12, and 13 of title 11".) The State  
22 understands from both the Chapter 7 Trustee and US Trustee that the US Trustee's form 101-7-  
23 TDR is a standardized summary-type form and is not binding unlike a court order. There is also  
24 no place on the form to note nondischargeable claims.

1 Accordingly, the State's files this pleading to accurately reflect what this court has  
2 already ordered and what the parties have previously agreed to – that the State's claim and the  
3 underlying judgments and orders supporting this claim are non-dischargeable.

4  
5 DATED this 18th day of March, 2024.

6 ROBERT W. FERGUSON  
7 Attorney General

8 /s/ Susan Edison

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11 SUSAN EDISON, WSBA No. 18293  
12 DINA YUNKER FRANK, WSBA No. 16889  
13 ERIC S. NEWMAN, WSBA No. 31521  
14 *Assistant Attorneys General*  
15 Attorneys for the State of Washington  
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